

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ronald D. Johnson,

Case No. 4:18CV1026

Petitioner,

v.

ORDER

Warden Christopher LaRose,

Respondent

This is a habeas corpus case in which, following referral to United States Magistrate Judge William H. Baughman, Jr., the Magistrate Judge has filed a Report & Recommendation recommending that I dismiss the petition as an unauthorized second or successive petition. (Doc. 31).

I have reviewed the Report & Recommendation *de novo* in light of the petitioner's objections (Doc. 33) and find the Report & Recommendation well-taken in all respects. As the Magistrate Judge correctly concluded, the petitioner has already filed a habeas petition challenging the state court's method of computing the length of his sentence, and the district court denied that petition on timeliness grounds. *Johnson v. Moore*, 2016 WL 4131859 (S.D. Ohio 2016). The pending petition is therefore successive, and the petitioner may not litigate it in this court without first obtaining permission from the court of appeals.

I will, accordingly, adopt the Report & Recommendation as the order of this court and transfer the petition to the U.S. Court of Appeals for the Sixth Circuit.

In addition, the petitioner has filed motions: 1) to compel discovery (Doc. 24); 2) for appointment of counsel (Doc. 27); and 3) for an evidentiary hearing (Doc. 39). Given my conclusion that I lack subject-matter jurisdiction over the petition, I will deny these motions as moot.

It is, accordingly, hereby

ORDERED THAT:

1. The Magistrate Judge's Report & Recommendation (Doc. 31) be, and the same hereby is, adopted as the order of this court;
2. The Clerk of Court shall transfer the petition for a writ of habeas corpus to the United States Court of Appeals for the Sixth Circuit;
3. The pending motions to compel discovery (Doc. 24), for appointment of counsel (Doc. 27), and for an evidentiary hearing (Doc. 39) be, and the same hereby are, denied.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge